

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GLORIA J. R. ADKINS,

Plaintiff,

-vs-

05-CV-31C(Sc)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott to hear and report, pursuant to Title 28 U.S.C. § 636(b)(1)(B).¹ On February 8, 2007, Magistrate Judge Scott filed a Report and Recommendation (Item 15) in which he found that the Commissioner's denial of plaintiff's application for supplemental security insurance benefits (filed on October 25, 2002) was not supported by substantial evidence, and recommended that this matter be remanded to the Commissioner for further administrative proceedings.²

The court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

¹This case was transferred to the undersigned by order of the Hon. Richard J. Arcara dated December 22, 2006 (Item 14).

²In his Report and Recommendation, Judge Scott determined that plaintiff's challenge to the Commissioner's decision at issue in this action involved the same factual circumstances as plaintiff's challenge to the Commissioner's decision at issue in civil action No. 04-CV-875C(Sc), also pending in this court and referred to Judge Scott to hear and report. Accordingly, Judge Scott dealt with both cases in a single Report and Recommendation, which was filed in both cases. This court's ruling with respect to the Report and Recommendation filed in No. 04-CV-875C(Sc) is addressed in a separate order to be entered in that case.

ORDERED that, pursuant to 28 U.S.C. § 636(b)(1), Rule 72(b) of the Federal Rules of Civil Procedure, and Rule 72.3(a) of the Local Rules of Civil Procedure for the Western District of New York, and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the government's motion for judgment on the pleadings (Item 9) is denied, and the case is remanded to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the matters addressed in the Report and Recommendation.

The Clerk of the Court is directed to enter judgment in favor of plaintiff.

So ordered.

_____\s\ John T. Curtin_
JOHN T. CURTIN
United States District Judge

Dated: 3/6 , 2007
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